

Public Safety in Peril

The Impact of Massive Multi-Year Budget Cuts on
Law, Safety and Justice in King County

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I. Public Safety In Peril -- Introduction

What are the hallmarks of a healthy public safety and criminal justice system?

For police services, it is the capacity to respond quickly to 911 calls and to assign detectives to follow-up, investigate, and solve crimes at all levels. It is the ability to bring investigative energy and resources to bear on fresh crimes, as well as to pursue with equal vigor, leads on older, unsolved crimes. The success of these services and reduction in crime rests on effective community policing practices, strong outreach, citizen involvement, and trust.

For jails, it is the capacity to house all inmates who pose a risk to public safety, to provide an array of alternatives to incarceration for certain low-level offenders, to offer Constitutionally-required health services for inmates, including the mentally ill. In a healthy system, inmate release decisions are based only on factors of public safety, not on economics and jail-bed shortages.

For the Prosecuting Attorney's Office, it is the capacity to review police referrals with no significant delay, negotiate pleas based on the credible threat of trial, and enforce all laws without regard to the amount of damage or loss. In a healthy system, a prosecutor also provides services to victims of crime, participates in treatment-oriented courts that help defendants break the cycle of addiction and mental illness, and continues to find ways to improve court efficiency.

For Superior and District Courts it is the capacity to hear criminal and civil matters without congestion and delay. A healthy court system provides assistance to citizens who seek access to the justice system via court staff who are familiar with civil and criminal procedures, and offers treatment courts such as Drug Court and Mental Health Court. Treatment courts help defendants escape a downward spiral of criminality and recidivism. Sentences imposed by our courts should be monitored, and District Court Probation Officers should supervise offenders once they have been released back into the community.

By these and other measures, King County's public safety and justice system ranks among the healthiest in the nation. For the past several years, King County's criminal justice agencies have been partners in creating an efficient and innovative criminal justice system that serves the public by delivering justice fairly, promptly, and effectively. Our system is responsive to crime, helpful to victims, and meets Constitutional standards for defendants and inmates.

In 2007, crime dropped 12% -- another key indicator that the system is working. However, a looming budget gap, perpetual and structural in nature, threatens to cripple these healthy agencies. Our criminal justice system is in jeopardy, and as result, public safety is in peril.

II. Massive Budget Cuts Threaten Public Safety

A. Background

King County faces an ongoing structural financial gap in its General Fund. Expenditures are rising at 7% per year while revenue growth averages 5% per year. The state grants counties only two main revenue authorities: property tax and sales tax. Property tax makes up 44% of King County's General Fund revenues, and is capped at 1% growth per year plus new construction. Sales tax fluctuates with the economy.

The King County Executive, through the King County Office of Management and Budget (OMB) informed all county agencies at the end of March that there will be an estimated \$60 million shortfall in the County's General Fund. Since March, this estimated shortfall has grown to \$68 million.

The General Fund is one component of King County's overall budget. King County also has other dedicated funds that are used to pay for capital improvement projects (like new buildings and other infrastructure), operating Metro buses, treating wastewater, maintaining roads in unincorporated King County, etc. The General Fund pays for King County's criminal justice system, and by law, the County cannot take money from its dedicated funds to "cover" General Fund shortfalls.

B. How This Budget Shortfall Impacts Criminal Justice

As a result of the estimated \$68 million shortfall to the General Fund, the Executive has asked all criminal justice agencies, including the King County Prosecuting Attorney's Office, the King County Sheriff's Office, the King County Superior and District Courts, the King County Department of Adult and Juvenile Detention (i.e. King County jail), Jail Health Services, the Office of Public Defense, and the Department of Judicial Administration (i.e. Clerk's Office) to take an **"across-the-board" budget cut of 8.6%** from their 2009 budgets:

King County Prosecuting Attorney (PAO)	8.6%	\$ 3.7 million
King County Sheriff's Office (KCSO)	8.6%	\$ 7.5 million
King County Superior Court	8.6%	\$ 3.8 million
King County District Court	8.6%	\$ 2.1 million
King County Jail and Jail Health	8.6%	\$11.2 million
Office of Public Defense	8.6%	\$ 3.5 million
Department of Judicial Administration	8.6%	<u>\$ 1.5 million</u>
		Total: \$ 33.3 million

That is not the end of the bad news for public safety and criminal justice. Deficits are projected for the foreseeable future:

- In 2009, a forecast deficit of \$68 million
- In 2010, a forecast deficit of \$30 million (Total \$98 million cumulative)
- In 2011, a forecast deficit of \$25 million (Total \$123 million cumulative)
- In 2012, a forecast deficit of \$25 million (Total \$148 million cumulative)

Budget cuts of this magnitude are unprecedented and will have a dramatic impact on our justice system and public safety. We call on the political leadership of the State and the County to respond to this urgent situation.

III. Criminal Justice Stakeholders

A. King County Sheriff's Office

The King County Sheriff's Office (KCSO) has been asked to take a \$7.5 million budget cut for 2009. That is the equivalent of 75 Sheriff's Deputies. These cuts will have a direct impact on the KCSO's ability to respond to crime and on public safety.

This \$7.5 million cut is on top of a \$2.3 million cut to the KCSO's 2008 budget. The KCSO was directed to cut \$2.3 million -- the equivalent of 21 Sheriff's Deputies -- from its 2008 budget. Combined, the KCSO is facing the loss of nearly 100 Sheriff's Deputies between now and the start of 2009.

A reduction of 100 Sheriff's Deputies will put public safety at risk, and as a result of these budget cuts, the KCSO will have to scale back or possibly eliminate the following services:

- **Property Crimes:** The KCSO will no longer have the resources to investigate property crimes where the value is under \$10,000.
- **Fraud, Internet Crimes, and Identity Theft:** The KCSO will no longer have the resources to investigate most internet crimes or low-dollar fraud or identity theft cases.
- **Drug Investigations:** The KCSO will no longer have the resources to investigate all drug cases. Investigations for certain drug crimes will have to be scaled back.
- **"Cold Case" Investigations:** The KCSO will no longer have the resources to investigate unsolved homicides. Instead, the KCSO will have to direct most of its resources to the investigations of recent homicides.
- **Neighborhood Storefront Centers:** The KCSO will no longer have the resources to offer this type of law enforcement presence or services.

- **Reduced Service Levels:** The KCSO will have to greatly scale back its youth and crime victim outreach programs and limit public service hours for gun permits and other functions.

In addition to the cuts described above, a special \$755,000 reserve fund has been cut from the KCSO's 2008 budget. This reserve fund was specifically created to implement recommendations made by the Blue Ribbon Panel to improve the management, transparency and accountability of the KCSO. As a result of this cut, these recommendations will not be implemented.

This is the single-most drastic reduction in public safety funding ever imposed on the KCSO.

B. King County Prosecuting Attorney's Office

For the 1.8 million citizens of King County, the PAO serves as the public's representative within our criminal justice system. The PAO receives and reviews over 25,000 criminal investigations and referrals from the county's 38 different law enforcement agencies and prosecutes over 10,000 felonies each year. The PAO also prosecutes approximately 10,000 misdemeanor cases in unincorporated King County and prosecutes 5,000 juvenile cases each year.

The PAO has been asked to take a \$3.7 million budget cut for 2009. That is the equivalent of 30 deputy prosecuting attorneys -- nearly 1/6 of the attorneys assigned to handle criminal prosecutions. These cuts will have a dramatic impact on the PAO and the entire criminal justice system as we struggle to find ways to manage a growing workload with fewer employees.

As a result of these budget cuts, the PAO will no longer have the luxury of filing cases without regard to the amount of damage or loss. Instead, the following categories of cases will be delayed or not prosecuted at all, and programs which are valuable, but not essential to the core functions of the office, such as Drug Court and Mental Health Court, may cease to exist:

1. **Property crimes:** The PAO will have to raise its filing standards and increase the amount of financial loss for theft, possession of stolen property, and malicious mischief cases. Currently, the statutory value distinguishing a felony from a misdemeanor is \$250, an amount that has not changed since the 1970s. As a practical matter, the PAO today sets that value at \$1,000 for felony thefts and property cases. To accommodate the 2009 budget cuts, the PAO will no longer accept for filing theft or property cases where the dollar amount is under \$10,000, which amounts to approximately 1,400 cases per year.

2. **Drug Possession cases:** The PAO will not accept for review or file any drug possession cases where, because of criminal history, the offender is jail bound instead of prison bound. Instead, those cases would be referred to district and city municipal courts to be handled as misdemeanors. This decision will impact approximately 1,800 cases per year.

3. **Forgeries:** The PAO will not accept for review or file any forgery cases. Instead, those cases would be referred to district and city municipal courts to be handled as misdemeanors. This decision will impact approximately 600 cases per year.

C. **King County Superior Court and the Department of Judicial Administration**

King County Superior Court (KCSC) offers very few discretionary services. Instead, it is constitutionally required to adjudicate, in a timely fashion, the 10,000 criminal cases filed each year. Every defendant in every criminal case is constitutionally entitled to a fair and speedy trial. KCSC facilitates more than 1,000 criminal trials each year. In addition, KCSC must also provide access to justice in the more than 50,000 civil cases filed each year, including family law, probate, guardianship, child welfare cases, business dispute cases, and personal injury cases.

As a result of the proposed, cumulative three-year budget cuts, KCSC will have to decrease or eliminate discretionary services such as:

- **Adult Drug Court:** This very successful program directs drug addicts into treatment instead of county jail or prison, but it one of the few discretionary services offered by KCSC.
- **Truancy, At-Risk-Youth, and Child in Need of Services:** These discretionary services help serve truants and runaways in need of services. If these services are cut, many youth will be at risk for further involvement in the criminal justice system.
- **"Step Up" Juvenile Domestic Violence Support Program:** This successful and innovative program targets juvenile perpetrators and helps end the cycle of domestic violence. However, this program is discretionary, and one that the Court must look at cutting.
- **Family Court Evaluations and Mediations:** These services assist families, but are discretionary and may be cut.
- **Adoption Assistance:** These services assist families to finalize adoptions.
- **Ex Parte Department:** These civil court services allow cases to move more expeditiously to resolution.

D. King County District Court

District Court provides legally mandated criminal and civil court services throughout King County. The court adjudicates criminal cases, including more than 10,000 DUI and Domestic Violence cases per year. Much of its civil caseload directly impacts public safety, as victims petition the court for Anti-harassment Orders, Domestic Violence Protection Orders and Sexual Assault Protection Orders.

District Court also handles huge volumes of traffic offenses, and is responsible for conducting felony investigation hearings and convening Death Inquest hearings.

All told, nearly a quarter of a million cases were filed in King County District Court last year. When the Prosecuting Attorney's Office implements changes to its felony filing practice to meet 2009 budget cuts, diverting forgery, drug possession, and property crimes once filed in Superior Court to District Court, the District Court caseload will increase by 3,800 cases.

District Court has been through severe budget cuts before. Responding to over 12% budget cuts in 2002, and the elimination of 60 positions, District Court became the most technologically advanced court of limited jurisdiction in the State in order to meet its legal mandates. District Court eliminated paper files. All documents are filed and maintained electronically. Court orders are generated on-line, and interpreters are scheduled through the District Court's innovative Interpreter Web program.

King County District court offers very few discretionary services. Those services that are not legally mandated include Mental Health Court (MHC), Re-Licensing Court, and Probation Supervision Services.

The difficult choices for District Court include elimination of:

- **Mental Health Court** – Established in 1999 as the second MHC in the nation, the MHC provides specialized case management, treatment, and probation services to mentally ill defendants, to more humanely address the needs of these individuals, and to divert them from returning to the court system. Elimination of this discretionary program will increase costs elsewhere in the criminal justice and public health systems.
- **Re-Licensing Court** – This program handles approximately 4,000 cases per year and sets up payment plans, community service, and work crews, for suspended drivers to pay off their fines and become licensed and insured drivers.
- **Probation Services** – This Court program enables Judges to assign Probation Officers to monitor convicted DUI drivers' and Domestic Violence batterers' compliance with court ordered treatment programs. Elimination of this discretionary program would increase jail costs, and seriously impact public safety.

Meeting the 8.65% cut for 2009 will mean elimination of staff positions the District Court cannot do without. It will result in a much slower and congested court system. It will mean increasing costs elsewhere in the system. It will impact public safety.

E. King County Jail and Jail Health

1. The King County Jail

The King County Jail is constitutionally required to provide safe, secure, and humane detention 24-hours a day, 7-days a week, 365-days a year. In 2007, the King County Jail, on average, held 2,726 adults a day in two secure detention facilities, a work release facility, or on electronic home detention and 95 juveniles a day in the secure youth detention facility. An additional 1,165 adults were enrolled in work crew or day reporting (jail alternative programs) each day, and 39 youth were in alternative community programs.

The King County Jail has been asked to take an \$8.9 million budget cut for 2009 and an undetermined amount each year for the foreseeable future. As a result of these ongoing cuts, public safety will be impacted:

- **Reduction in Jail Alternative Programs:** The jail may be forced to prioritize secure detention for juveniles and adults over successful community corrections alternatives. A reduction in these programs will force many offenders to be without needed services to help them successfully reconnect to their communities after their release.
- **Early Release Decisions:** The jail and jail alternative programs are already at capacity. Other jails across the country that have budget deficits have instituted drastic release and booking policies to reduce inmate levels. Some jurisdictions have refused to accept misdemeanor arrestees, like DUI and DV cases. Others have instituted a release matrix requiring one inmate to be released for each new inmate booked. As cuts mount, the King County jail may need to institute similar drastic measures and may be forced to make release decisions, based not on public safety factors, but on economic factors and jail-bed shortages.

2. Jail Health Services

Jail Health Services is legally mandated to provide specific levels of health services to inmates and provide those services within defined timeframes. In addition, Jail Health Services is legally required to maintain accreditation with the National Commission on Correctional Healthcare. Currently, there are negotiations underway with the Department of Justice concerning system changes which may also have expensive ramifications. The cost of providing health services is directly driven by the number of inmates in the jail, as well as the complexity of inmates' medical and psychiatric issues.

Jail Health Services has been asked to take a \$2.3 million cut for 2009 and an undetermined amount each year for the foreseeable future. As a result of these ongoing cuts, health care services for inmates will be negatively impacted. A few efficiencies have been identified, but Jail Health Services will be forced to reduce health care staff. In order to absorb additional cost reductions, service levels will be affected, which may reduce and/or delay necessary health care services for inmates, thereby jeopardizing the jail's ability to meet legally mandated requirements.

F. King County Office of the Public Defender

The King County Office of the Public Defender (OPD) is required to provide legal representation in all criminal cases for persons who are indigent. OPD has been asked to take a \$3.5 million cut for 2009. OPD's primary function is to respond to cases brought forth by other criminal justice stakeholders. Because the KCSO will take cuts that will result in fewer arrests and because the PAO has stated an intent to file fewer cases in Superior Court, where OPD contracts are most expensive, OPD's required budget cuts may be met by the actions of the KCSO and the PAO. However, cases where there is no public defender cannot proceed, and may be subject to dismissal.

IV. Possible Solutions

How do we solve these problems and secure funding for our criminal justice system? We must call on our County leaders to find a solution to this mounting budget crisis. One solution is to re-prioritize spending within the General Fund to reduce the growing cost of its services. Another solution is to ask the State Legislature to create another revenue stream for all county criminal justice agencies or to ask voters to approve additional revenue.

The bottom line is that our criminal justice system is targeted to take massive cuts that will directly impact public safety. Sharing information about the impact these cuts will have on our healthy criminal justice system and on public safety is an important first step in addressing this problem.

None of the criminal justice leaders themselves have the ability to implement the kind of changes and solutions it will take to prevent cuts and to keep our criminal justice system healthy, but each of them are committed to working with County and State leaders to identify and implement a solution to this problem.